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JFW**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Eric Stenzel
SERIAL NO. : 10/001,960
FILED : December 5, 2001
ART UNIT : 3763
EXAMINER : Kevin C. Simons
TITLE : METHOD, TOOL AND SYSTEM FOR DEPLOYING AN
IMPLANT INTO THE BODY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to April 14, 2004, Office Action

SIR:

This paper is submitted in response to the Office action dated April 14, 2004. The period for response has been extended herein until August 14, 2004 by payment of the requisite fee of \$110.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a). Prior to further examination, please amend the above-identified application as indicated below.

The Commissioner is authorized to charge any necessary fees or to credit any overpayments, to deposit account no. 11-0600.

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orifice in the '008 patent, rather, the cutting elements in the '008 patent are shown throughout as having continuous surfaces that lack holes or orifices.

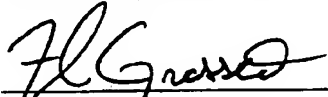
As to claim 27, the undersigned submits that it is patentable over the '008 patent at least because the claim recites a method that includes "deploying an implant at the target site." By comparison, the '008 patent regards a biopsy device that seeks to remove tissue from a patient. For one, the step 23 of the '008 patent is described throughout as being used to empty the device after the samples have been taken. For at least this reason, the undersigned requests reconsideration of the rejection and allowance of the claim.

CONCLUSION

In view of the foregoing, the undersigned respectfully submits that the application is in condition for allowance. Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the number given below.

The Office is hereby authorized to charge the fee of \$110.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,


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Dated: July 16, 2004

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494710v1 (FTG/bep)